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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/320,767
	Filing Date	May 27, 1999
	First Named Inventor	Giannoukakis
	Group Art Unit	1643
	Examiner Name	Angell, J.
Total Number of Pages in This Submission	Attorney Docket Number	A32362(072396.0174)

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): 1) Three Reference manuscripts, 2) PTO form 1449 3) Return post card
Remarks <input type="checkbox"/>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	BakerBotts LLP 30 Rockefeller Plaza New York, NY 10112		
Signature		Att Name:	Rochelle K. Seide, Ph.D.
		PTO Reg:	32,300
Date	November 12, 2004		

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on this date: November 12, 2004			
Typed or printed name	Rochelle K. Seide, Ph.D.		
Signature		Date	November 12, 2004

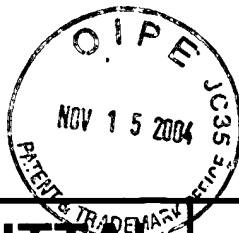
BAKER BOTTS LLP

Attorney Docket Number: A32362(072396.0174)

Title: GENE TRANSFER TO PANCREATIC CELLS FOR PREVENTION OF ISLET DYSFUNCTION

Use Space Below for Additional Information:

BAKER BOTTS LLP



FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 0

Complete if Known

Application Number	09/320,767
Filing Date	May 27, 1999
First Named Inventor	Giannoukakis
Examiner Name	Angell, J.
Art Unit	1643
Attorney Docket No.	A32362(072396.0174)

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number
Deposit Account Name

02-4377

Baker Botts LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments

☒ Charge any additional fee required under 37CFR 1.16 and 1.17

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		Extra Claims		Fee from below		Fee Paid	
	- 20 =	0	X		=	0	
Independent Claims	- 3 =	0	X		=	0	
Multiple Dependent					=		

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 0

SUBMITTED BY

Name (Print/Type)

Rochelle K. Seide, Ph.D.

Registration No.
(Attorney/Agent)

32,300

(Complete if applicable)

Telephone 212 408 2626

Signature

Rochelle K. Seide

Date

November 12, 2004



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Giannoukakis *et al.*
Serial No. : 09/320,767 Examiner : Angell, J.
Filed : May 27, 1999 Group Art Unit: 1635
For : GENE TRANSFER TO PANCREATIC CELLS FOR
PREVENTION OF ISLET DYSFUNCTION

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

November 12, 2004,

Date of Deposit

Rochelle K. Seide, Ph.D.

Attorney Name

Rochelle K. Seide

Signature

32,300

PTO Registration No.

November 12, 2004

Date of Signature

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Further to the Supplemental Information Disclosure Statement filed on
November 1, 2004, enclosed please find copies of the following three references:

51. Verma, I. M. (2000). Gene therapy: beyond 2000. *Mol Ther* 1, 493.

58. Iwahashi, H., Itoh, N., Yamagata, K., Imagawa, A., Nakajima, H., Tomita, K., Moriwaki, M., Waguri, M., Yamamoto, K., Miyagawa, J., *et al.* (1998). Molecular mechanisms of pancreatic beta-cell destruction in autoimmune diabetes: potential targets for preventive therapy. *Cytokines Cell Mol Ther* 4, 45-51.
64. Evans, C. H., and Robbins, P. D. (1994). The interleukin-1 receptor antagonist and its delivery by gene transfer. *Receptor* 4, 9-15.


These references were listed in the Supplemental Information Disclosure Statement and on the PTO Form 1449 (copy enclosed), filed on November 1, 2004. The submission of this Supplemental Information Disclosure Statement does not represent that a search has been made or that no better art exists, and does not constitute an admission that any of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should this document be applied against the claims of the present application.

Applicants do not believe that a fee is required. However, if any fee is required in connection with this communication or any overpayment has been made, please charge any deficiency or credit any overpayment to Deposit Account No. 02-4377. Duplicate copies of this communication are enclosed.

Respectfully submitted,

BAKER BOTTS L.L.P.



Rochelle K. Seide, Ph.D.
Patent Office Reg. No. 32,300
(212)408-2626 direct dial

Kimberly J. McGraw
Patent Office Reg. No. 50,994
(212) 408-2502 direct dial

30 Rockefeller Plaza
44th Floor
New York, NY 10112
(212) 408-2626 direct dial

Attorney for Applicants

Enclosures

COPY

Form PTO-1449 U.S. Department of Commerce (REV. 2-82) Patent and Trademark Office		Atty. Docket No. A32362 072396.0174	Serial No. 09/320,767
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)		Applicant Giannoukakis et al.	
		Filing Date May 27, 1999	Group 1643

U.S. PATENT DOCUMENTS

*Ex am. Init.	Document No.	Date	Name	Class	Subclass	Filing Date if Appropriate

FOREIGN PATENT DOCUMENT

	Document No.	Date	Country	Class	SubClass	Translator Yes No

OTHER DOCUMENTS (including Author, Title Date, Pertinent Pages, Etc.)

56		Anderson, W. F. (1998). Human gene therapy. <i>Nature</i> 392, (6679 Suppl) 25-30.
58		Iwahashi, H., Itoh, N., Yamagata, K., Imagawa, A., Nakajima, H., Tomita, K., Moriwaki, M., Waguri, M., Yamamoto, K., Miyagawa, J., <i>et al.</i> (1998). Molecular mechanisms of pancreatic beta-cell destruction in autoimmune diabetes: potential targets for preventive therapy. <i>Cytokines Cell Mol Ther</i> 4, 45-51.
64		Evans, C. H., and Robbins, P. D. (1994). The interleukin-1 receptor antagonist and its delivery by gene transfer. <i>Receptor</i> 4, 9-15.

Examiner

Date Considered

* Examiner: Initial citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.